

ASSEMBLY BILL

No. 1209

Introduced by Assembly Member La Suer

February 23, 2001

An act to add Section 17580.5 to the Government Code, relating to state-mandated local programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1209, as introduced, La Suer. State-mandated local programs.

Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law establishes a procedure for local governmental agencies to file claims for reimbursement for these costs with the Commission on State Mandates.

This bill would provide that on or after January 1, 2002, legislation that mandates a new program or higher level of service on any local government shall include a provision to repeal the enactment within 6 years and to require the Legislative Analyst to report on the enactment. This requirement would not apply to legislation that specifically makes the requirement inapplicable, contains a provision to repeal the enactment in less than 6 years, or creates a new crime, changes the definition of a crime, or changes the penalty for a crime.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 17580.5 is added to the Government Code, to read:

17580.5. (a) On or after January 1, 2002, any bill in a regular or extraordinary session of the Legislature that mandates a new program or higher level of service on any local government pursuant to Section 6 of Article XIII B of the California Constitution shall contain a provision to repeal the enactment not later than six years after it becomes operative and to require the Legislative Analyst to report to the Legislature not later than five years after it becomes operative.

(b) The report by the Legislative Analyst shall contain the costs to local governments, the reimbursements provided by the state, and the extent to which the new program or higher level of service achieved its stated goals. In preparing this report, the Legislative Analyst shall consult with local governments as well as state departments. The Legislative Analyst shall include in the report a recommendation to the Legislature whether the program or level of service should be repealed, made permanent, modified, or extended for another fixed period of time.

(c) Subdivision (a) does not apply to any bill that specifically makes this section inapplicable, or contains a provision to repeal the enactment in less than six years.

(d) This section does not apply to any bill that creates a new crime, changes an existing definition of a crime, or changes the penalty for a crime.